

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	CASE NO. 1:04CR249
)	
GREGORY C. KAPORDELIS,)	
)	
Defendant)	

**MOTION FOR JUDGMENT OF
ACQUITTAL OR FOR NEW TRIAL**

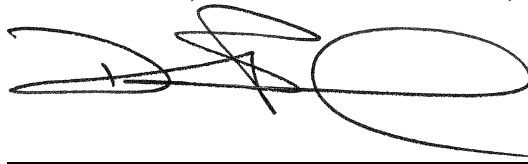
Pursuant to Rules 29(c)(1) and 33, the Defendant, Dr. Gregory Kapordelis, moves the court to grant a judgment of acquittal on counts 1 – 3 and 5 – 7. In support of this motion, the defendant relies on the grounds set forth in the arguments at the close of the government’s case and at the close of all the evidence at trial. With respect to the production counts (Counts 1 – 3) the government failed to prove that the images amounted to the “lascivious exhibition of the genitals.”

With respect to Counts 5 – 7, the government failed to prove venue by a preponderance of the evidence; failed to prove that the defendant was the person who committed the offense and failed to prove that Dr. Kapordelis knowingly possessed any of the contraband images that were found on his computer.

In addition, the defendant moves for a new trial on the grounds that in the interest of justice, a new trial should be ordered on counts 1 – 3 and 5 – 7. Moreover, on the basis of the court’s error in failing to instruct the jury as requested by the defense on the definition of “lascivious exhibition of the genitals;” the improper admission of Rule 404(b) evidence; and in excluding the “Russian evidence” – including the limitation on the cross-examination and proposed direct examination of Agent Brant; the limitation on the proposed testimony of ICE agent Lacey; the refusal to allow witnesses to testify from Russia; and the limitation on the use of the Racanska deposition -- the court should order a new trial to correct these errors. In support of this motion, the defendant relies on the various arguments (written and oral) made by the defense during the course of the pretrial and trial proceedings of this case.

Respectfully submitted,

GARLAND, SAMUEL & LOEB, P.C.

A handwritten signature in black ink, appearing to read 'DFS', with a large, stylized loop at the end.

DONALD F. SAMUEL
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UNITED STATES OF AMERICA,)

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CASE NO. 1:04CR-249-CAP

GREGORY C. KAPORDELIS,)

Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of May, 2007, I have served a true copy of the within and foregoing *Motion for Judgment of Acquittal or For New Trial* upon Aaron Danzig and Robert McBurney, Assistant United States Attorneys, via electronic filing.



DONALD F. SAMUEL
Ga. State Bar 624475